

June 4, 2019

We are regrettably compelled to resign from our positions as Commission members, and as Chair and Vice Chair, respectively, of the Saint Paul Police Civilian Internal Affairs Review Commission (hereinafter “the PCIARC” or “the Commission”), effective immediately. We do so because we have repeatedly seen evidence that the Mayor and the Mayor’s appointees are not serious about supporting the work of the PCIARC. By failing to adequately support the PCIARC’s mandate, the Mayor and his appointees are denying Saint Paul community members the opportunity to have meaningful participatory oversight of their police department.

As examples of our concerns, we note that:

- the Deputy Director of Government Relations and Community Engagement, as well as the current Interim Director of Human Rights and Equal Economic Opportunity (“HREEO” -- the City department assigned to support the PCIARC) have consistently ignored and/or resisted requests to address well-documented workplace concerns that impede the PCIARC’s work.
- the Mayor and his appointees have failed to seek input from the PCIARC and refused to support funding necessary for the PCIARC to fulfill its mandate.
- the City Attorney has proposed, and the current Interim Director of HREEO has tacitly endorsed, plans to make the PCIARC process more complicated and difficult for the community to navigate, while ignoring the advice and input of both the community and the PCIARC.
- the PCIARC Strategic Plan -- a public document which describes the Commission’s plan for increasing transparency and community confidence in the Saint Paul Police Department -- has not yet been publicly released. The PDF was sent for upload to the PCIARC website in March 2019, several weeks prior to the PCIARC Annual Summit in which the Commission collects community feedback.

### **Failure to Address Workplace Concerns**

The Deputy Director of Government Relations and Community Engagement, and the current Interim Director of HREEO have consistently refused to address serious and well-documented workplace concerns and their impact on the PCIARC -- one concern which has now been resolved without their assistance, and another which is persistent and ongoing in impeding the Commission’s ability to fulfill its mandate to the community.

### **Lack of Support from the Mayor and his Office**

Despite the Mayor’s statement that he would “empower the Civilian Review Board [PCIARC] to act as a strong check on policing in Saint Paul,” he has failed to encourage community participation in the work of the PCIARC and to consult with the PCIARC regarding his

Community-First Public Safety Initiative. He has also refused requests to support the PCIARC's efforts to seek appropriate City funding to meet its mandate, which is to "assure the public that police services are delivered in a lawful and nondiscriminatory manner." (Saint Paul Code of Ordinances, Part III, Title V, Section 102.01 (a); the PCIARC Strategic Plan, p. 1.)

For example, the Mayor has never sought the PCIARC's input on community policing concerns observed in the course of the Commission's work. Similarly, the Mayor has consistently failed to use his platform to encourage community members to bring their policing concerns to the PCIARC, or to indicate his intent to support the PCIARC in its efforts; this was true even when he attended and spoke at the PCIARC Annual Summit in April 2019. Additionally, the Mayor's Deputy Director of Governmental Relations and Community Engagement has failed to adequately publicize openings on the Commission, resulting in a severely limited applicant pool of community members to serve on the Commission.

As an alternative to the PCIARC's request for funding adequate to carry out its mandate, the current Interim Director of HREEO proposed offering the assistance of City staff who could help the Commission set timetables and measurable outcomes for its Strategic Plan. However, as pointed out to the current Interim Director, while that assistance would be most appreciated and helpful, it would not address the majority of the PCIARC's identified needs -- most critically for resources to address community outreach and engagement (see the PCIARC Strategic Plan, pp 3 – 4, 17-19).

Commissioners – all of whom are community volunteers, devoting 20 to 30 hours per month to Commission work (the Chair and Vice Chair frequently devote 40+ hours per month) – are not able to further donate their time to meet the gap between community-identified needs and the current resources available.

That the Mayor will not endorse even a small amount of urgently needed additional funding for the PCIARC – which, by his own admission, supports one of the 'Three Pillars' of his vision for a successful Saint Paul – is further evidence that he is not serious about the work of the PCIARC and has no intention of taking steps to support it. Under the totality of these circumstances, the PCIARC cannot meet its mandate to "assure the public that police services are delivered in a lawful and nondiscriminatory manner." As Chair and Vice Chair, we cannot in good conscience continue to make excuses to the public for why this is so.

### **Triaging Complaints Would Ignore Community Input**

We object to the City Attorney's proposed plan to use a panel of at least five people, including a Saint Paul Police representative, to review and triage each and every civilian complaint that is not already being investigated by the Saint Paul Police Department. Yet the current Interim Director of HREEO has indicated tacit support for this plan in spite of the PCIARC's strongly-held opposition.

Inclusion of a Saint Paul Police representative on that panel would worsen deep-seated community concerns about the Police Department steering the complaint process – a process which already includes police input in every step, and in which final decisions are made by the Chief of Police. These concerns are documented in the 2015 PCIARC Audit and in the community feedback collected at the 2017, 2018, and 2019 PCIARC Annual Summits.

Further, having a triage panel will unnecessarily add complexity to an already complicated process for community members – including police officers – who currently struggle to understand the complaint process. Such a panel will also increase delay for community members and police officers, who already have to withstand a lengthy complaint process. Lastly, it will add to City expenses and to the workload of current City employees, who will have to take time away from their current duties to review and meet to triage complaints.

Appointing such a panel also misses the mark in addressing the purported reason for its creation – i.e., to provide the Commission with a full accounting from the Saint Paul Police Department of all civilian complaints. A full accounting of all civilian complaints is required by both the PCIARC Ordinance and the 2001 NAACP Agreement with the Saint Paul Police Department. The Commission has voiced concerns that the Saint Paul Police Department is not providing a full accounting of civilian complaints, particularly those collected via an electronic civilian-comments database and other informal methods (see more details in the PCIARC Strategic Plan, pp 2-3, 14-15).

Instead of a triage panel, the PCIARC suggested simply requiring the Police Department to provide HREEO with a database into which the Police Department could download all electronically-gathered civilian comments, or alternatively, requiring the Police Department to provide HREEO access to the database into which such information is currently downloaded. With such access, the Director of HREEO (or his/her designee) could easily peruse comments and request further review and investigation as appropriate, in keeping with the PCIARC Ordinance (Saint Paul Code of Ordinances, Part III, Title V, Section 102.01(b)).

The Chair, with the support of Commission members, has expressed serious reservations about the City Attorney's proposed plan to triage complaints, but thus far, has received no indication that this plan will be abandoned. A meeting in which the PCIARC's concerns would have been discussed was abruptly cancelled over a week ago, and has yet to be rescheduled. Our concerns are further deepened by the City Attorney's assertion that the 2001 NAACP Agreement with the Saint Paul Police Department is no longer a binding agreement.

### **Failure to Publish the PCIARC Strategic Plan**

The PCIARC Strategic Plan sets forth specific ways in which the Commission can continue to respond to its mandate and address community concerns outlined in both the 2015 University of Minnesota Audit and the 2001 NAACP Agreement with the Saint Paul Police Department. The Strategic Plan outlines action in six areas of the PCIARC'S work: Case Intake and Review,

Community Outreach Efforts (including educational presentations, attendance at community events, and marketing of the PCIARC), Policy Review and Recommendations, Community Meetings and Input, Ongoing Training for Commissioners (both mandatory and development opportunities), and Outreach to Other Organizations. It also identifies areas in which the PCIARC requires collaboration and assistance from the Mayor's Office, the Police Department, the City Attorney's Office, and City Council.

Though significant progress has been made, the Commission still consistently receives community feedback indicating that many people do not know of the PCIARC's existence, understand its purpose, or feel confident using the PCIARC complaint process. This lack of knowledge is particularly concerning because it comes from communities who have historically complained of negative encounters with the police. Parallel comments about the Commission are also made by police officers themselves, many of whom do not fully understand the complaint process or the PCIARC's work. This is particularly concerning because every police officer could be directly affected by the complaint process, regardless of the merits of any given complaint.

For all of the above reasons, we are very discouraged that the PCIARC Strategic Plan, a public document that incorporates community input and was designed with transparency in mind, has not yet been publicly released, although it was made available for publication in March 2019 (see attached PCIARC Strategic Plan PDF).

## Conclusion

In light of our ongoing concerns and the totality of circumstances, we believe that leaving the Commission is our only ethical alternative as representatives of the Saint Paul community.

In resigning, we note that remaining members of the Commission were not office-holders responsible for the day to day operations of the Commission; consequently, unlike the Chair and Vice Chair, they were not privy to the full details and myriad of obstacles impeding Commission work, as outlined in this letter of resignation (this is particularly true for the newly appointed Commissioners).

Sincerely,  
Constance Tuck (resigning) PCIARC Chair  
Rachel Sullivan Nightengale (resigning) PCIARC Vice Chair

To:     Melvin Carter, Mayor  
          Todd Axtell, Chief, Saint Paul Police Department  
          Toni Newborn, Interim Director of HREEO  
          Noel Nix, Deputy Director of Government Relations and Community Engagement

cc: Jeff Martin, Deputy Director of HREEO  
John Bandemer, Sr. Cmdr, Saint Paul Police Department  
Sean Johnson, Cmdr, Saint Paul Police Department  
Sasha Cotton, PCIARC Commissioner  
Sierra Cumberland, PCIARC Commissioner  
Eric Forstrom, PCIARC Commissioner  
Travis Grundy, PCIARC Commissioner  
Britt Kringle, PCIARC Commissioner  
Rachel Sullivan Nightengale, (resigning) Vice Chair, PCIARC  
Constance Tuck, (resigning) Chair, PCIARC  
Julian Roby, PCIARC Coordinator